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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MILIA, MARK R	
ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,055	ROZZI, WILLIAM A.	
	Examiner	Art Unit	
	Mark R. Milia	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-42 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-42 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 29 May 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 8/24/01 & 4/17/03.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 10, line 4, "created border 43" should read "created border 42". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 14, 15, 17-18, 21, 25-26, 30-32, and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5835098 to Lipton as cited on Information Disclosure Statement dated August 24, 2001.

Regarding claim 1, Lipton discloses a method comprising: obtaining information describing color properties of a device that generates an image (see column 2 lines 1-17 and 55-60 and column 5 lines 39-53) and embedding the information within raster image data associated with the image such that the embedded information does not substantially affect the visual appearance of the image to a user (see column 2 lines 1-17, column 3 lines 23-29 and 58-65, and column 4 lines 20-38 and 49-56).

Regarding claim 14, Lipton discloses a method comprising: receiving an image file of an image (see column 5 lines 38-43) and extracting information describing color

properties of the image from raster image data of the image file (see column 5 lines 38-53).

Regarding claim 25, Lipton discloses an image file comprising: raster image data (see column 2 lines 55-67 and column 3 lines 10-57, reference states the use of bitmap fonts which is analogous to a raster image because a raster image is just an image made up of pixels, also known as a bitmap image, therefore the claimed element is anticipated by the reference) and information embedded within the raster image data describing color properties of the image, such that the embedded information does not substantially affect the visual appearance of the image to a user (see column 3 lines 23-29, 38-47, and 58-65, column 4 lines 20-38 and 49-56, column 4 line 59-column 5 line 6, and column 5 lines 28-53).

Regarding claim 30, Lipton discloses a computer readable medium carrying program code that upon execution: embeds information describing color properties of a device within raster image data associated with an image such that the embedded information does not substantially affect the visual appearance of the image to a user (see column 3 lines 23-29, 38-47, and 58-65, column 4 lines 20-38 and 49-56, column 4 line 59-column 5 line 6, column 5 lines 28-53, and column 6 lines 59-63).

Regarding claim 36, Lipton discloses a computer readable medium carrying program code that upon execution: extracts information describing color properties of the image from raster image data of the image file (see column 5 lines 28-53 and column 6 lines 59-63).

Regarding claim 39, Lipton discloses an image acquisition device comprising: memory that stores a color profile of the device (see Fig. 1, column 2 lines 46-52, and column 3 lines 38-47) and a data embedding module that embeds the color profile in image data acquired by the device (see column 4 lines 20-65 and column 5 lines 7-53).

Regarding claims 2 and 15, Lipton discloses the method discussed in claims 1 and 14, and further discloses wherein the information includes a color profile (see column 4 lines 20-38 and 49-56).

Regarding claim 4, Lipton discloses the method discussed in claim 2, and further discloses extracting the color profile from the image (see column 5 lines 39-53).

Regarding claim 5, Lipton discloses the method discussed in claim 4, and further discloses modifying the image based on the color profile, and displaying the modified image (see column 4 lines 8-19, column 5 lines 28-37, and column 6 lines 11-27).

Regarding claim 6, Lipton discloses the method discussed in claim 4, and further discloses modifying the image based on the color profile, and printing the modified image (see Figs. 2 and 3, column 4 lines 8-19, and column 5 lines 28-37).

Regarding claim 17, Lipton discloses the method discussed in claim 15, and further discloses displaying the image according to the color profile (see column 5 lines 28-53).

Regarding claim 18, Lipton discloses the method discussed in claim 15, and further discloses printing the image according to the color profile (see column 5 lines 28-53).

Regarding claim 21, Lipton discloses the method discussed in claim 14, and further discloses prior to extracting embedded information, detecting embedded information (see column 5 lines 28-37).

Regarding claim 26, Lipton discloses the method discussed in claim 25, and further discloses wherein the information embedded within the raster image data comprises a color profile (see column 4 lines 20-65 and column 5 lines 28-53).

Regarding claim 31, Lipton discloses the method discussed in claim 30, and further discloses carrying program code that upon execution extracts the information from the image (see column 5 lines 28-53).

Regarding claim 32, Lipton discloses the method discussed in claim 31, and further discloses carrying program code that upon execution modifies the image based on the information (see column 4 lines 8-19 and column 5 lines 11-27).

Regarding claim 37, Lipton discloses the method discussed in claim 36, and further discloses carrying program code that upon execution detects embedded information describing color properties of the image (see column 5 lines 28-53).

Regarding claim 38, Lipton discloses the method discussed in claim 36, and further discloses carrying program code that upon execution modifies the image based on the information (see column 4 lines 8-19 and column 5 lines 11-27).

Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5806081 to Swen et al. as cited on Information Disclosure Statement dated April 17, 2003.

Swen discloses a system comprising: an image acquisition device (see Fig. 1 and column 4 lines 49-54) and a host computer coupled to the image acquisition device, the host computer including a memory device that stores a color profile of the image acquisition device and a data embedding module that embeds the color profile in image data acquired by the image acquisition device (see Figs. 6 and 8, column 3 lines 51-57, column 9 lines 35-54, column 11 lines 22-35, column 11 line 61-column 12 line 3, and column 13 line 50-column 14 line 35).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 10-12, 16, 22-24, 33-34, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton as applied to claims 1, 2, 15, 21, 30, and 39 above, and further in view of Swen.

Regarding claims 3 and 16, Lipton does not disclose expressly wherein the color profile is one of the following: a spectral profile and a colorimetric profile.

Swen discloses wherein the color profile is one of the following: a spectral profile and a colorimetric profile (see column 4 lines 16-34).

Regarding claim 10, Lipton does not disclose expressly embedding an indicator within the image, the indicator indicating that information describing color properties of the image is stored within the image.

Swen discloses embedding an indicator within the image, the indicator indicating that information describing color properties of the image is stored within the image (see column 8 line 13-column 9 line 34 and column 11 lines 61-63).

Regarding claim 11, Lipton does not disclose expressly embedding an indicator within the image, the indicator identifying where the information describing color properties of the image is stored within the image.

Swen discloses embedding an indicator within the image, the indicator identifying where the information describing color properties of the image is stored within the image (see column 8 line 13-column 9 line 34 and column 11 lines 61-63).

Regarding claim 12 Lipton does not disclose expressly attaching an indicator to the image, the indicator indicating that information describing color properties of the image is stored within the image.

Swen discloses attaching an indicator to the image, the indicator indicating that information describing color properties of the image is stored within the image (see column 8 line 13-column 9 line 34 and column 11 lines 61-63).

Regarding claim 22, Lipton does not disclose expressly wherein detecting embedded information comprises detecting an indicator.

Swen discloses wherein detecting embedded information comprises detecting an indicator (see column 8 line 13-column 9 line 34 and column 14 lines 36-40 and 53-57).

Regarding claim 23, Lipton does not disclose expressly wherein detecting the indicator comprises detecting the indicator embedded within the image.

Swen discloses wherein detecting the indicator comprises detecting the indicator embedded within the image (see column 8 line 13-column 9 line 34 and column 14 lines 36-40 and 53-57).

Regarding claim 24, Lipton does not disclose expressly wherein detecting the indicator comprises detecting the indicator attached to the image.

Swen discloses wherein detecting the indicator comprises detecting the indicator attached to the image (see column 8 line 13-column 9 line 34 and column 14 lines 36-40 and 53-57).

Regarding claim 33, Lipton does not disclose expressly carrying program code that upon execution embeds an indicator within the image.

Swen discloses carrying program code that upon execution embeds an indicator within the image (see column 8 line 13-column 9 line 34 and column 11 lines 61-63).

Regarding claim 34, Lipton does not disclose expressly carrying program code that upon execution: attaches an indicator to the image.

Swen discloses carrying program code that upon execution: attaches an indicator to the image (see column 8 line 13-column 9 line 34 and column 11 lines 61-63).

Regarding claim 40, Lipton does not disclose expressly wherein the image acquisition device is a scanner.

Swen discloses wherein the image acquisition device is a scanner (see column 4 lines 49-54).

Regarding claim 41, Lipton does not disclose expressly wherein the image acquisition device is a digital camera.

Swen discloses wherein the image acquisition device is a digital camera (see column 4 lines 49-54).

Lipton & Swen are combinable because they are from the same field of endeavor, embedding device profiles into documents.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the embedding techniques of Swen with the system of Lipton.

The suggestion/motivation for doing so would have been to provide a more accurate system in which detection of a device profile is made easier because the dispatcher always attempts to use preferred CMM first (see column 15 line 66-column 16 line 11 of Swen).

Therefore, it would have been obvious to combine Swen with Lipton to obtain the invention as specified in claims 3, 10-12, 16, 22-24, 33-34, and 40-41.

Claims 7, 8, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton as applied to claims 1 and 14 above, and further in view of U.S. Patent No. 6603879 to Haikin et al.

Regarding claims 7 and 19, Lipton does not disclose expressly wherein the information describing color properties includes a path indicating a network location of a color profile for the image.

Haikin discloses wherein the information describing color properties includes a path indicating a network location of a color profile for the image (see column 7 lines 5-9).

Regarding claims 8 and 20, Lipton does not disclose expressly wherein the path is an internet uniform resource locator.

Haikin discloses wherein the path is an internet uniform resource locator (see column 7 lines 5-9, reference states retrieving the color image from the Internet which is known to use uniform resource locators to direct users to information).

Lipton & Haikin are combinable because they are from the same field of endeavor, embedding information into documents.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the storage and retrieval of images over a network with the system of Lipton.

The suggestion/motivation for doing so would have been to provide a broader range of input sources for acquisition of images to be able to extract a color profile to allow more images to be accurately color matched.

Therefore, it would have been obvious to combine Haikin with Lipton to obtain the invention as specified in claims 7, 8, 19, and 20.

Claims 9, 13, 29, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton as applied to claims 1, 25, and 30 above, and further in view of U.S. Patent Application Publication No. 2001/0047476 to Yen et al.

Regarding claims 9 and 29, Lipton does not disclose expressly wherein the image includes a border, and wherein embedding information includes embedding the information within the border.

Yen discloses wherein the image includes a border, and wherein embedding information includes embedding the information within the border (see page 2 paragraph [0032]).

Regarding claims 13 and 35, Lipton does not disclose expressly creating a border for the image and embedding the information within raster image data of the border.

Yen discloses creating a border for the image and embedding the information within raster image data of the border (see page 2 paragraph [0032]).

Lipton & Yen are combinable because they are from the same field of endeavor, embedding information within documents.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the placement of embedded information of Yen with the system of Lipton.

The suggestion/motivation for doing so would have been to provide a wider range of embedding possibilities.

Therefore, it would have been obvious to combine Yen with Lipton to obtain the invention as specified in claims 9, 13, 29, and 35.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton as applied to claim 25 above, and further in view of "Data Embedding in Text for a Copier System", Epson Palo Alto Laboratory to Bhattacharjya and Ancin.

Regarding claim 27, Lipton does not disclose expressly wherein the information embedded within the raster image data alters the image.

Bhattacharjya and Ancin discloses wherein the information embedded within the raster image data alters the image (see page 245, abstract and first paragraph of introduction).

Regarding claim 28, Lipton does not disclose expressly wherein the alteration is not perceivable to a human observer.

Bhattacharjya and Ancin disclose wherein the alteration is not perceivable to a human observer (see page 245, abstract and first paragraph of introduction).

Lipton & Bhattacharjya and Ancin are combinable because they are from the same field of endeavor, embedding information within documents.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the embedding of data that is imperceptible with the system of Lipton.

The suggestion/motivation for doing so would have been to allow embedded data to be hidden in an image from the human visual system so the image appears unaltered.

Therefore, it would have been obvious to combine Bhattacharjya and Ancin with Lipton to obtain the invention as specified in claims 27 and 28.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show state of the art refer to U.S. Patent numbers 5949966 (Hayashi), 6307950, 6317505, and 6628801 (Powell et al.), 6439722 (Seegers et al.), 6546129 (Ohta et al.), 6608972 (Lemelson et al.), 6750901, 6786420, and 6788336 (Silverbrook) and Patent Application Publication number 2001/0054150 (Levy).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (703) 305-1900. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (703) 305-4712. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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